MOTION FILED
APR 14 1987

NO. 86-1536

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1986

WADE POWELL and FREDA POWELL, and ERWIN WHITE and SUSAN WHITE,
Petitioners,

versus

STATE OF FLORIDA, MUNROE REGIONAL MEDICAL CENTER, WILLIAM H. SHUTZE, M.D., KEITH GAUGER, THOMAS M. TECHMAN, NORTH FLORIDA LIONS EYE BANK, INC., THE MEDICAL EYE BANK, INC., FLORIDA LIONS EYE BANK, INC., FLORIDA SOCIETY OF OPHTHALMOLOGY, INC., METROPOLITAN DADE COUNTY AND FLORIDA MEDICAL ASSOCIATION,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI, ON BEHALF OF RABBINICAL ASSOCIATION OF GREATER MIAMI, TEMPLE BETH OR, AND RABBI RAMI SHAPIRO, Ph.D.,

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The Rabbinical Association of Greater Miami, Temple Beth Or, and Rabbi Rami Shapiro, Ph.D., through counsel, move this court for leave to participate as Amicus Curiae in support of the grant of a writ of certiorari and to file an amicus curiae brief. This motion proceeds in accordance with Supreme Court Rule 36. Although several Respondents have consented to the participation of Amicus Curiae, not all Respondents have given their consent, thus necessitating this motion. In support of the motion for leave to file an amicus curiae brief, the Amici state:

1. Amicus Curiae, The Rabbinical Association of Greater Miami, Temple Beth Or, and Rabbi Rami Shapiro, Ph.D., filed an amicus curiae brief in proceedings before the Supreme Court of Florida. In that tribunal, the amici

requested that the Supreme Court consider the impact of the Florida statute under review on the fundamental religious beliefs held by the Jewish people. This court should consider those same interests in determining whether this case warrants certiorari review.

2. The Rabbinical Associaton of Greater Miami is an organized confederation of more than 100 rabbis throughout South Florida representing Orthodox, Conservative, Reform, and Reconstructionist congregations. Virtually every Jewish congregation and synagogue within the South Florida geographic area is represented within the Association, which in turn is representative of the considerable Jewish population throughout the United States. As a leadership group for the Jewish people, the Association takes stands on specific Jewish

issues. Through its membership, the Association provides spiritual and temporal guidance for the rabbis in the South Florida area and to the approximately 400,000 members of the Jewish population.

3. Temple Beth Or is a Reconstructionist synagogue in South Florida, founded in April 1983. Its membership includes more than 100 Jewish families. At the heart of the Reconstructionist philosophy of Temple Beth Or is the conviction that Judaism represents the accumulated wisdom of the Jewish people and is renewed through each successive generation. Temple Beth Or, through its members, expresses and encourages involvement with the difficult Jewish issues of today in an effort to promote the integration of Jewishness into the lives of Jews. Its members recognize the need for observance of Judaic law.

4. Rabbi Rami Shapiro, Ph.D., is the rabbi at Temple Beth Or. As a religious leader, he speaks out on issues concerning the survival of the Jewish people and its culture. He has a strong interest in Jewish religious law, customs, and traditions involving matters of life and death. He is a frequent lecturer and author on Jewish religious and cultural issues.

5. These Amici strongly maintain that question concerning removal of organs from a decedent must be examined in light of Jewish law as well as by taking into consideration modern societal principles. It is their view that any law which permits the taking of organs must respect existing religious principles. It is their intention to advise this court of Jewish law concerning the matters raised in this case.

For the foregoing reasons, the Rabbinical Association of Greater Miami, Temple Beth Or and Rabbi Rami Shapiro, Ph.D., respectfully move this court for leave to participate as amicus curiae and file the accompanying brief.

Respectfully submitted,

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By_____
BENEDICT P. KUEHNE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by mail this 1st day of ~~April~~ May 1987, to Stephen T. Maher, Esq., American Civil Liberties Union Foundation of Florida, Inc., University of Miami

School of Law, P.O. Box 248087, Coral Gables, Florida 33124; Robert A. Butterworth, Attorney General of the State of Florida, and Louis F. Hubener, Assistant Attorney General, Counsel for State of Florida, Department of Legal Affairs, The Capitol - Suite 1502, Tallahassee, Florida 32301; Alan C. Sundberg, Esq. and George N. Meros, Esq., Carlton, Fields, Ward, Emmanuel, Smith and Cutler, P.O. Drawer 190, 410 First Florida Bank, Tallahassee, Florida 32302, Counsel for Medical Eye Bank, Inc., North Florida Lions Eye Bank, Inc. and Florida Lions Eye Bank, Inc.; Andrew G. Pattillo, Jr., Esq. and Russell W. Lapeer, Esq., P.O. Box 1450, Ocala, Florida 32678, Counsel for William H. Shutze, M.D., Thomas M. Techman, M.D., and Keith Gauger; Bruce McKibben, Esq., Dempsey & Goldsmith, P.O. Box 10651, Tallahassee, Florida 32302, Counsel for

Florida Society of Opthalmology; Donald W. Weidner, Esq., Associate General Counsel, 760 Riverside Avenue, Jacksonville, Florida 32204, Counsel for Florida Medical Association; Robert A. Ginsberg, Dade County Attorney, Robert L. Blake, Assistant County Attorney, Public Health Trust Division, Jackson Memorial Hospital, Suite C - West Wing 108, Miami, Florida 33136, Counsel for Metropolitan Dade County, Florida; Frederick H. Von Unwerth, Esq., Kilpatrick & Cody, Suite 500, 2501 M. Street, N.W. Washington, D.C. 20037, Counsel for the Eye Bank Association of America, Inc.; and Melinda L. McNichols, Esq., Stearns, Weaver, Miller, et al., One Biscayne Tower, 28th Floor, Miami, Florida 33131, counsel for Reverend Thomas J. Price.

By_____
BENEDICT P. KUEHNE